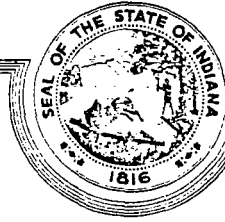


STATE OF INDIANA



INDIANAPOLIS

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206-1964

VIA CERTIFIED MAIL

October 15, 1985

Mr. John Fecteau
Johnson Controls, Inc.
1302 East Monroe Street
Goshen, IN 46526

EPA Region 5 Records Ctr.



305959

Dear Mr. Fecteau:

Re: RCRA Record Review
Johnson Controls, Inc.
IND 009549593
Letter of Warning (L-087)

The Environmental Management Board is cooperating with the U.S. Environmental Protection Agency, Region V, in carrying out the provisions of the Resource Conservation and Recovery Act, Public Law 94-580 (RCRA). In this effort, representatives of the Environmental Management Board are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. In addition to RCRA requirements, facilities are being inspected to determine compliance with Environmental Management Board 320 IAC 4.1, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements."

Please be advised that Mr. Jeff Blankenberger of this Division conducted a record review referencing a September 5, 1985, hazardous waste release at your facility. During the review, it was determined that your facility did indeed have a release of hazardous waste on September 5, 1985, and a "cleanup" procedure was initiated. This office, however, did not receive written confirmation through the Technical Secretary that the contingency plan was carried out as prescribed in 320 IAC 4.1 and RCRA.

The following concerns pertaining to the operation of your facility were noted:

1. 320 IAC 4.1-18-7(i)
and
40 CFR 265.56(i)

The owner or operator did not notify the Technical Secretary of the Indiana Environmental Management Board that the facility was in compliance with 320 IAC 4.1-18-7(h) (40 CFR 265.56(h)) before operations were resumed in the affected area of the facility.

2. 320 IAC 4.1-18-7(j)
and
40 CFR 265.56(j)

The owner or operator did not submit a written report to the Technical Secretary of the Indiana Environmental Management Board within fifteen (15) days of the incident.

Johnson Controls, Inc., within thirty (30) calendar days of receipt of this letter, shall achieve compliance with the following requirements:

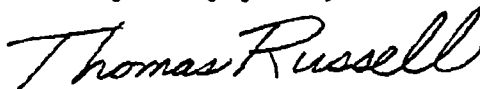
1. Submit the required information under 320 IAC 4.1-18-7(j) (40 CFR 265.56(j)).
2. Also submit information concerning the following items:
 - a. EP Toxicity test results;
 - b. sampling and analysis plan;
 - c. vertical and horizontal extent of contamination;
 - d. how is the soil being stored prior to disposal;
 - e. anticipated disposal method and location; and
 - f. information as to whether or not the groundwater was contaminated.

Your company shall submit to this office, within thirty-five (35) days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance. The letter shall state the date compliance was achieved.

Failure to respond adequately to this Letter of Warning will result in a Notice of Violation being issued.

Please direct your response to this letter and any questions to Mr. Robert Malone of the Division of Land Pollution Control, Indiana State Board of Health, at AC 317/243-5052.

Very truly yours,



Thomas Russell, Chief
Enforcement Section
Hazardous Waste Management Branch
Division of Land Pollution Control

RDM/tr

cc: Elkhart County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V
Ms. Chrystal Myers
Indiana State Board of Health Emergency Response
Mr. Jeff Blankenberger